

REMARKS

This paper is responsive to a Final Office action dated February 21, 2008. Claims 1-19, 21-25, and 28-33 were examined.

Information Disclosure Statement

Applicants respectfully request the Examiner to consider the foreign patent documents supplied in the Information Disclosure Statement by Applicants submitted on February 15, 2005, received by the USPTO on February 18, 2005, and considered on May 25, 2007 and return an initialed copy of the 1449.

Claim Rejections Under 35 U.S.C. § 101

Claims 28 and 32 stand rejected under 35 U.S.C. § 101 as the claims are directed to non-statutory subject matter. Claims 28-32 are canceled.

Claim Rejections Under 35 U.S.C. § 102

Claims 15-19, 21-25, and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by International Publication No. WO 02/080595 to Link et al. (hereinafter, "Link"). Regarding claim 15, Applicants respectfully maintain that Link, alone or in combination with other references of record, fails to teach or suggest that

the central server delivers the message to an active server in response to a new activation of a mobile device,

as required by claim 15. The Office action relies on business office 1102 of Link to teach a central server, as required by claim 15, and SMS 1122 and tower 1130 of Link to teach an active server, as required by claim 15. Link teaches that business office 1102 is in communication with system 1106 and IRDB 1104, not SMS resource 1122, as implied by the Office action. Fig. 11; paragraph 0050. Link fails to teach or suggest that SMS 1122 and tower 1130 are an active server, as required by claim 15. Moreover, Link teaches that

wireless devices autonomously register with communications network 1120. The autonomous registration is first received by cell tower 1130 and then the registration is sent 1132 to communications network 1120, along control channel traffic, voice channel traffic, and other types of messages. The registration messages are extracted from all of the other types of information in communications network 1120. Preferably, the systems and methods shown in Figures 4, 5, 6, or 7 are used to extract registration messages from the many different types of information in communications network 1120 and are also used to deliver those registration messages 1116 to system 1106. In response to registration messages 1116, system 1106 sends updated information 1118 to an SMS resource 1122 associated with communications network 1120.

Paragraph 0051 (emphasis added). Link teaches that in response to a registration message, system 1106 (which the Office relies on to teach a passive server of claim 15) sends updated information to an SMS resource 1122. However, claim 15 requires that a central server delivers the message to an active server in response to a new activation of a mobile device. Nowhere does Link teach or suggest those limitations of claim 15. Since Link fails to teach or suggest the recited limitations and no other art of record adds the missing disclosure, Applicants respectfully request that the rejection of claim 15 and all claims dependent thereon, be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-14, 28-31, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,148,197 to Bridges et al. (hereinafter, “Bridges”) in view of Link.

Regarding claim 1, Applicants respectfully maintain that Link, alone or in combination with Bridges or other references of record, fails to teach or suggest

an active server in communication with the central server that receives the message from the central server, the active server in communication with a network element that communicates with the mobile device, wherein the active server queries the network element to determine availability of the mobile device, wherein: if the availability of the mobile device is returned from the network device, directly

routing the message to the mobile device; otherwise,
routing the message to a passive server,

as required by claim 1. The Office action relies on over-the-air activation function (OTAF) 100 of Bridges to teach an active server, as required by claim 1. Bridges teaches that OTAF 100 is able to generate and send out a new or updated roaming database to each mobile station on record. Col. 16, lines 36-63; Fig. 4. Bridges teaches further that

[i]f the mobile station 68 is available, the HLR 104 will return location information (with, for example, a SMSNOT message) to the OTAF 100 (by way of, for example, one or more STPs 110) to permit routing of the PSL/IRDB entry information to the mobile station 68 via the serving Mobile Switching Center (MSC) and the wireless network infrastructure. As illustrated in FIG. 4, the wireless network infrastructure for communicating with the mobile station 68 may include one or more Mobile Switching Centers (MSC) 106 and Base Stations (BS) 108. Once the location of the mobile station 68 is determined from the HLR 104 (and/or Visiting Location Register (VLR)--not illustrated in FIG. 4), the OTAF 100 will route (via the appropriate STP 110) the database information to permit the serving MSC 106 and BS 108 to relay the PSL/IRDB entry information to the mobile station 68 by wireless communication, including transmission over-the-air. The wireless communication between the BS 108 and the mobile station 68 may preferably use the IS-136 standard, although any known standard may be used. Communication between each MSC 106 and BS 108 may use conventional wired or wireless communication links.

If the mobile station 68 is unavailable, the HLR 104 will set an internal flag to notify the OTAF 100 when the handset or mobile station becomes active and/or registers. When the OTAF 100 receives location information on the mobile station 68, the OTAF 100 sends the new roaming PSL/IRDB to the mobile station 68, as described above. Thereafter, normal OAA and/or OAP logic flow or processing may be carried out according to industry or forum defined standards and protocols (such as the standards and protocols set for IS-136 by the Universal Wireless Communications Committee (UWCC) or an open industry forum/group).

Col. 17, line 58-col. 18, line 23. In contrast, claim 1 requires that the active server queries the network element to determine availability of the mobile device, wherein: if the availability of the mobile device is returned from the network device, directly routing the message to the mobile device; otherwise, routing the message to a passive server. Nowhere does Bridges teach or suggest those limitations.

Link fails to compensate for the shortcomings of Bridges. Link teaches

wireless devices autonomously register with communications network 1120. The autonomous registration is first received by cell tower 1130 and then the registration is sent 1132 to communications network 1120, along control channel traffic, voice channel traffic, and other types of messages. The registration messages are extracted from all of the other types of information in communications network 1120. Preferably, the systems and methods shown in Figures 4, 5, 6, or 7 are used to extract registration messages from the many different types of information in communications network 1120 and are also used to deliver those registration messages 1116 to system 1106. In response to registration messages 1116, system 1106 sends updated information 1118 to an SMS resource 1122 associated with communications network 1120.

Paragraph 0051 (emphasis added). Link teaches that in response to a registration message, system 1106 sends updated information to an SMS resource 1122. In contrast, claim 1 requires that the active server queries the network element to determine availability of the mobile device, wherein: if the availability of the mobile device is returned from the network device, directly routing the message to the mobile device; otherwise, routing the message to a passive server. Nowhere does Link teach or suggest those limitations. Since Bridges and Link fail to teach or suggest the recited limitations and no other art of record adds the missing disclosure, Applicants respectfully request that the rejection of claim 1 and all claims dependent thereon, be withdrawn.

Regarding claim 12, Applicants respectfully maintain that Link, alone or in combination with Bridges or other references of record, fails to teach or suggest

delivering the message to an active server; and querying a network element for availability information about the mobile device, wherein: if the availability of the mobile device is positive, directly routing the message to the mobile device, otherwise, routing the message to a passive server, wherein the passive server monitors message traffic for an event that provides availability information about the mobile device,

as required by claim 12. The Office action relies on OTAF 100 of Bridges to teach an active server, as required by claim 12. Bridges teaches that OTAF 100 is able to generate and send out

a new or updated roaming database to each mobile station on record. Col. 16, lines 36-63;
Fig. 4. Bridges teaches further that

[i]f the mobile station 68 is available, the HLR 104 will return location information (with, for example, a SMSNOT message) to the OTAF 100 (by way of, for example, one or more STPs 110) to permit routing of the PSL/IRDB entry information to the mobile station 68 via the serving Mobile Switching Center (MSC) and the wireless network infrastructure. As illustrated in FIG. 4, the wireless network infrastructure for communicating with the mobile station 68 may include one or more Mobile Switching Centers (MSC) 106 and Base Stations (BS) 108. Once the location of the mobile station 68 is determined from the HLR 104 (and/or Visiting Location Register (VLR)--not illustrated in FIG. 4), the OTAF 100 will route (via the appropriate STP 110) the database information to permit the serving MSC 106 and BS 108 to relay the PSL/IRDB entry information to the mobile station 68 by wireless communication, including transmission over-the-air. The wireless communication between the BS 108 and the mobile station 68 may preferably use the IS-136 standard, although any known standard may be used. Communication between each MSC 106 and BS 108 may use conventional wired or wireless communication links.

If the mobile station 68 is unavailable, the HLR 104 will set an internal flag to notify the OTAF 100 when the handset or mobile station becomes active and/or registers. When the OTAF 100 receives location information on the mobile station 68, the OTAF 100 sends the new roaming PSL/IRDB to the mobile station 68, as described above. Thereafter, normal OAA and/or OAP logic flow or processing may be carried out according to industry or forum defined standards and protocols (such as the standards and protocols set for IS-136 by the Universal Wireless Communications Committee (UWCC) or an open industry forum/group).

Col. 17, line 58-col. 18, line 23. In contrast, claim 12 requires delivering the message to an active server; and querying a network element for availability information about the mobile device, wherein: if the availability of the mobile device is positive, directly routing the message to the mobile device, otherwise, routing the message to a passive server, wherein the passive server monitors message traffic for an event that provides availability information about the mobile device. Nowhere does Bridges teach or suggest those limitations.

Link fails to compensate for the shortcomings of Bridges. Link teaches

wireless devices autonomously register with communications network 1120. The autonomous registration is first received by cell tower 1130 and then the registration is sent 1132 to communications network 1120, along control channel traffic, voice channel traffic, and other types of messages. The registration

messages are extracted from all of the other types of information in communications network 1120. Preferably, the systems and methods shown in Figures 4, 5, 6, or 7 are used to extract registration messages from the many different types of information in communications network 1120 and are also used to deliver those registration messages 1116 to system 1106. In response to registration messages 1116, system 1106 sends updated information 1118 to an SMS resource 1122 associated with communications network 1120.

Paragraph 0051 (emphasis added). Link teaches that in response to a registration message, system 1106 sends updated information to an SMS resource 1122. In contrast, claim 12 requires delivering the message to an active server; and querying a network element for availability information about the mobile device, wherein: if the availability of the mobile device is positive, directly routing the message to the mobile device, otherwise, routing the message to a passive server, wherein the passive server monitors message traffic for an event that provides availability information about the mobile device. Nowhere does Link teach or suggest those limitations.

Since Bridges and Link fail to teach or suggest the recited limitations and no other art of record adds the missing disclosure, Applicants respectfully request that the rejection of claim 12 and all claims dependent thereon, be withdrawn.

Regarding claim 33, Applicants respectfully maintain that Link, alone or in combination with Bridges or other references of record, fails to teach or suggest

delivering the message to an active server; and
querying a network element for availability
information about the mobile device, wherein: if the
availability of the mobile device is positive,
delivering the message to the mobile device and
updating the IRDB, otherwise, routing the message to a
passive server that monitors message traffic for an event to occur that provides availability information about the mobile device,

as required by claim 33. The Office action relies on the OTAF 100 of Bridges to teach an active server, as required by claim 33. Bridges teaches that OTAF 100 is able to generate and send out

a new or updated roaming database to each mobile station on record. Col. 16, lines 36-63;

Fig. 4. Bridges teaches further that

[i]f the mobile station 68 is available, the HLR 104 will return location information (with, for example, a SMSNOT message) to the OTAF 100 (by way of, for example, one or more STPs 110) to permit routing of the PSL/IRDB entry information to the mobile station 68 via the serving Mobile Switching Center (MSC) and the wireless network infrastructure. As illustrated in FIG. 4, the wireless network infrastructure for communicating with the mobile station 68 may include one or more Mobile Switching Centers (MSC) 106 and Base Stations (BS) 108. Once the location of the mobile station 68 is determined from the HLR 104 (and/or Visiting Location Register (VLR)--not illustrated in FIG. 4), the OTAF 100 will route (via the appropriate STP 110) the database information to permit the serving MSC 106 and BS 108 to relay the PSL/IRDB entry information to the mobile station 68 by wireless communication, including transmission over-the-air. The wireless communication between the BS 108 and the mobile station 68 may preferably use the IS-136 standard, although any known standard may be used. Communication between each MSC 106 and BS 108 may use conventional wired or wireless communication links.

If the mobile station 68 is unavailable, the HLR 104 will set an internal flag to notify the OTAF 100 when the handset or mobile station becomes active and/or registers. When the OTAF 100 receives location information on the mobile station 68, the OTAF 100 sends the new roaming PSL/IRDB to the mobile station 68, as described above. Thereafter, normal OAA and/or OAP logic flow or processing may be carried out according to industry or forum defined standards and protocols (such as the standards and protocols set for IS-136 by the Universal Wireless Communications Committee (UWCC) or an open industry forum/group).

Col. 17, line 58-col. 18, line 23. In contrast, claim 33 requires delivering the message to an active server; and querying a network element for availability information about the mobile device, wherein: if the availability of the mobile device is positive, delivering the message to the mobile device and updating the IRDB, otherwise, routing the message to a passive server that monitors message traffic for an event to occur that provides availability information about the mobile device. Nowhere does Bridges teach or suggest those limitations.

Link fails to compensate for the shortcomings of Bridges. Link teaches



wireless devices autonomously register with communications network 1120. The autonomous registration is first received by cell tower 1130 and then the registration is sent 1132 to communications network 1120, along control channel traffic, voice channel traffic, and other types of messages. The registration

messages are extracted from all of the other types of information in communications network 1120. Preferably, the systems and methods shown in Figures 4, 5, 6, or 7 are used to extract registration messages from the many different types of information in communications network 1120 and are also used to deliver those registration messages 1116 to system 1106. In response to registration messages 1116, system 1106 sends updated information 1118 to an SMS resource 1122 associated with communications network 1120.

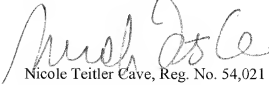
Paragraph 0051 (emphasis added). Link teaches that in response to a registration message, system 1106 sends updated information to an SMS resource 1122. In contrast, claim 33 requires delivering the message to an active server; and querying a network element for availability information about the mobile device, wherein: if the availability of the mobile device is positive, delivering the message to the mobile device and updating the IRDB, otherwise, routing the message to a passive server that monitors message traffic for an event to occur that provides availability information about the mobile device. Nowhere does Link teach or suggest those limitations.

Since Bridges and Link fail to teach or suggest the recited limitations and no other art of record adds the missing disclosure, Applicants respectfully request that the rejection of claim 33 and all claims dependent thereon, be withdrawn.

In summary, all claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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<input type="checkbox"/>	facsimile transmitted to the USPTO.
<input checked="" type="checkbox"/>	transmitted using the USPTO electronic filing system.
	
Nicole Teitler Cave	Date
EXPRESS MAIL LABEL: _____	

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